



**The State of New Hampshire
Insurance Department**

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**Roger Sevigny
Commissioner**

**Alex Feldvebel
Deputy Commissioner**

BULLETIN

Docket No.: INS NO. 03-051-AB

DATE: March 9, 2004

TO: All Licensed Health and Private Passenger Automobile Insurance Carriers

FROM: Roger A. Sevigny, Commissioner 

RE: Coordination of Group Health Benefits (COB) and Medical Payment (MedPay) Provisions in Auto Policies.

The Department is revisiting administrative rule Ins 1904, which addresses the coordination of group health benefits (COB), in preparation for its re-adoption. An important aspect of Ins 1904 is how it affects an individual seeking medical payments coverage (MedPay) in auto policies. Bulletin INS 00-014-AB and Departmental memo dated October 2, 2001 are vacated where inconsistent with this Bulletin.

The Department finds that MedPay coverage in individual policies is not a "plan" within Ins 1904 and, therefore, would not necessarily be primary in relation to group health coverages available to the insured. The rule states that "plan" may include the medical benefits coverage in group, group-type and individual automobile and traditional automobile "fault" type contracts. [Ins 1904.05(a)(3)]. However, "plan" shall not include individual or family insurance contracts [Ins 1904.05(a)(1) a.], which include individual and family auto policies that are the primary sources for Medpay coverage. To provide further clarification, the Department will propose an amendment to Ins 1904 that will exclude MedPay as a "plan" within Ins 1904.

This finding allows insureds seeking coverage under MedPay and group health policies to choose and coordinate coverages available for medical expenses, subject to the terms and conditions of each policy, and other agreements or law that apply. One who is entitled to coverage under a MedPay policy, for instance, can coordinate coverage so as to access available funds for medical and funeral expenses not otherwise paid by group health coverage.

This Bulletin is not intended to permit a beneficiary under a MedPay and group health policy to recover more than once for the same expense. Nor does it automatically allow health carriers repayment from unexhausted MedPay coverage. Such rights to recovery and repayment are dictated by state law, policy language, enforceable agreements and assignments between the parties.

Any questions should be directed to Jack Zemp at jack.zemp@ins.nh.gov.